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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,213	10/15/2003	Lance A. Tatman	10030378-1	7146

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2416

NOTIFICATION DATE	DELIVERY MODE
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04/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPOPS.LEGAL@agilent.com

Office Action Summary

Application No.

10/687,213

Applicant(s)

TATMAN ET AL.

Examiner

Kevin C. Harper

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

In view of the appeal brief filed on November 20, 2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 9, 11 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Greenberg et al. (US 7,200,120).

1. Regarding claims 1, 5, 9, 11 and 14-18, Greenberg discloses an autonomous system (figs. 1-2) comprising two or more areas (fig. 1, areas i, j, k and O) wherein each area includes a router (items 111-127) and a probe (any of items 161-163) logically connected to the router in each area (col. 5, lines 40-43; note: logical connections between probes and routers are represented by the received LSAs that flood the network) and configured to receive link state routing protocol data (col. 1, lines 31-34; note: link state advertisements) from the router in each area when the router in each area floods the link state routing protocol data throughout the autonomous system (col. 5, lines 40-43). Further regarding claims 5, 11, 14-15 and 17-18, the probe is partially adjacent to the router in each area (col. 5, lines 48-49; note: adjacency meaning within the autonomous system 100 and logically connected to the routers of system 100) thereby selecting the router from which to receive link state data (col. 4, lines 48-49).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenberg et al. (US 7,200,120).

2. Greenberg does not disclose separate autonomous systems. However, Greenberg notes a probe receives topology information flooded throughout the network (col. 5, lines 40-42), yet a probe may not be attached to every area (col. 7, lines 41-46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to monitor separate autonomous systems

(i.e. disjointed areas) in the invention of Greenberg in order to manage topology of areas that do not exchange flooded topology information.

Claims 4, 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenberg in view of Goringe et al. (US 2003/0043820).

3. Regarding claims 4 and 8, Greenberg does not disclose state and cost information. However, Goringe discloses the link state information as state and cost information for links, routers and networks (para. 23, line 22; para. 24, lines 1-14; figs. 4-5 and 7-9). Therefore, it would have been obvious to have state and cost information for links, routers and networks in the invention of Greenberg in order to provide a logical topology for routing data (Goringe, para. 4, last eight lines).

4. Regarding claims 12-13, Greenberg does not disclose configuring an interface. However, Goringe discloses configuring an IP tunnel from a probe to an interface on a router (fig. 10; note: an IP tunnel is IP packets sent to a destination - para. 29, lines 1-3). Although Goringe does not disclose subinterfaces for probes, Goringe notes that network devices have subinterfaces (para. 25). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have subinterfaces for probes in the invention of Goringe in order to provide an access point to the network for the probe (Goringe, para. 25, lines 6-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost, can be reached at 571-272-7872. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2416

March 28, 2009

/William Trost/

Supervisory Patent Examiner, Art Unit 2416